

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MARK A. FREGIA,

Plaintiff,

v.

YUCUI CHEN, et al.,

Defendants.

Case No. 1:20-cv-01024-ADA-EPG (PC)

ORDER GRANTING THIRD EX PARTE  
MOTION FOR EXTENSION OF TIME TO  
FILE SUR-REPLY TO PLAINTIFF'S  
MOTION FOR AN ORDER UNDER THE  
ALL WRITS ACT

(ECF No. 89)

On February 1, 2023, defense counsel filed an *ex parte* motion for “a thirty-day extension of time to file a sur-reply to Plaintiff’s Motion for an Order Under the All Writs Act, up to and including March 6, 2023.” (ECF No. 78, p. 1). The motion was granted. (ECF No. 79). On March 2, 2023, defense counsel filed a second *ex parte* motion for an extension of time to file a sur-reply. (ECF No. 86). The motion was granted. (ECF No. 87). On March 10, 2023, defense counsel filed a third *ex parte* motion for an extension of time to file a sur-reply (ECF No. 89), which is now before the Court.

“Defense counsel requests a third eight-day extension of time because the Warden did not return from his unplanned absence on March 8, 2023, as previously anticipated, and is not expected back until March 13, 2023, which is the current deadline to file the sur-reply.” (*Id.* at 1-2). “The Warden will also be out March 14, 15, and 16. Upon the Warden’s expected return on March 13, 2023, from his unplanned absence, a few days of additional time will be needed to

complete the sur-reply.” (Id. at 3) (citation omitted).

The Court finds good cause to grant the motion.

Accordingly, IT IS HEREBY ORDERED that the Warden has until March 21, 2023, to file a sur-reply to Plaintiff’s Motion for an Order Under the All Writs Act.

IT IS SO ORDERED.

Dated: March 13, 2023

/s/ Eric P. Grogan  
UNITED STATES MAGISTRATE JUDGE